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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,089

05/25/2007

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EXAMINER

STORMER, RUSSELL D

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,089	<b>Applicant(s)</b> FUJITA, YASUAKI	
	<b>Examiner</b> Russell D. Stormer	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/31/06 and 3/11/08</u> .                                     | 6) <input type="checkbox"/> Other: ____.                          |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the preamble of claim 1, a coreless rubber crawler is set forth as having an outer surface which comes into contact with a track roller. The track roller is not positively recited. In line 10, a track roller is recited as part of the invention.

Therefore, the claim is indefinite as to whether Applicant is claiming the track, the roller, or a combination thereof. It is suggested that the preamble be amended to recite the combination of a coreless rubber crawler and track roller assembly.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaoka et al (U.S. Patent 6890042)

Inaoka et al discloses a track assembly comprising an endless rubber track and a roller wherein a contact area of the inner periphery of the track and the outer surface of

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the roller is less than 100%. As shown in figure 6, the outer surface of the roller is stepped at the inner and outer sides such that only a portion of the roller's outer surface contacts the track. The amount of contact appears to about 80%, but the exact amount is not disclosed. However, those of ordinary skill in the art could readily determine suitable contact areas of the roller with the inner surface of the track, and to choose a contact area of about 30% to 50% would have been obvious in order to optimize the engagement of the rollers with the track, and to further optimize the pressure of the track on the ground surface.

With respect to claim 7, the term "correspond" is vague and does not recite any clear structural relationship between the stepped portion of the roller and the endless track, and the assembly of Inaoka et al is considered to meet this limitation.

With respect to claim 9, the grousers or rubber lugs on the outer surface of the track are not in the shape of a distorted H. However, those of ordinary skill in the art could readily determine suitable shapes for the lugs based on the intended use of the vehicle, the size of the vehicle, and the operating conditions and traction requirements of the vehicle.

Claims 3-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaoka et al as applied to claim 1 above, and further in view of Watanabe et al (U.S. Patent 6471307).

The track of Inaoka et al does not include a stepped portion on the inner surface of the track.

Watanabe et al teaches an endless track comprising an inner surface with a raised or stepped portion on which the rollers travel. See figures 3 and 4, for instance. From this teaching it would have been obvious to provide the endless track of Inaoka et al with a stepped portion on the inner surface as this would strengthen or reinforce the central section of the track and resist bending in that area.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other endless track assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Russell D. Stormer/  
Primary Examiner, Art Unit 3617